

10648. Misbranding of Parrott sexual pills. U. S. * * * v. 6 Boxes * * * of * * * Parrott Sexual Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15901. Inv. No. 34231. S. No. C-3395.)

On January 9, 1922, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 boxes of Parrott sexual pills, remaining in the original packages at Birmingham, Ala., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., about April 14, 1921, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained strychnine and a compound of iron and phosphorus, coated with calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing on the label of the box containing the article and in the accompanying circular, "* * * Sexual Pills * * * Recommended For Hysteria, Dizziness, Nervous Prostration, Nervous Debility And General Weakness * * *," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10649. Misbranding of olive oil. U. S. * * * v. 304 Tins * * * of * * * Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15978. I. S. Nos. 9451-t, 9452-t, 9453-t, 9454-t, 9455-t. S. No. E-3775.)

On February 16, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 304 tins of olive oil, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by the Nasiacos Importing Co., Chicago, Ill., on or about December 13, 1921, and transported from the State of Illinois into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Tins) "Athlete Brand Pure Olive Oil * * * Nasiacos Importing Co., Chicago, Peraeus * * *"

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the respective tins containing the article, "Contents 1/16 Gallon," "Contents 1/8 Gallon," "Contents 1/4 Gallon," "Contents 1/2 Gallon," and "Contents 1 Gallon," were false and misleading and deceived and misled the purchaser, since the respective tins contained less than the amounts declared. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were not correct.

On June 17, 1922, the case having come for final disposition before the court and a jury and no claimant having appeared for the property, a verdict for the Government was returned, and on June 19, 1922, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10650. Misbranding of potatoes. U. S. * * * v. Anthony W. Breitenstein (A. W. Breitenstein). Plea of guilty. Fine, \$10. (F. & D. No. 14906. I. S. No. 9712-r.)

On July 28, 1921, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Anthony W. Breitenstein, trading as A. W. Breitenstein, Stockton, Wis., alleging shipment by said defendant, on or about May 25, 1920, in violation of the Food and Drugs Act, as amended, from the State of Wisconsin into the State of Illinois, of a quantity of potatoes contained in sacks, which were misbranded.

Examination, by the Bureau of Chemistry of this department, of 16 sacks of the article taken from the consignment showed that the average net weight of the said sacks was 141 $\frac{1}{2}$ pounds.

Misbranding of the article was alleged in substance in the information for the reason that the statement on the label of the sacks containing the article, to wit, "150 Lbs. Potatoes Weighed Into This Sack," was false and misleading in that the said sacks did not contain either separately or on the average 150 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said sacks each contained 150 pounds net of the article, whereas, in truth and in fact, said sacks each contained a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the weight declared was not a correct statement of the quantity of food contained therein.

On April 18, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*